



FLOOR AMENDMENT NO. _____

C.S.S.B No. 16

striking all below the enacting clause and substituting the following:

(c) The department shall adopt rules to establish a procedure by which a resident of the state may apply for and be issued a Capitol access pass. Rules adopted under this section must include provisions for eligibility, application, approval, issuance, and renewal that:

(2) enable the department to conduct the background check described by Subdivision (1); and

SECTION 2. Section 411.173(a), Government Code, is amended to read as follows:

1 ~~amount sufficient to recover the average cost to the department of~~
2 ~~obtaining a criminal history record check and investigation on a~~
3 ~~nonresident applicant.]~~ A license issued in accordance with the
4 procedure established under this subsection:

5 (1) remains in effect until the license expires under
6 Section 411.183; and

7 (2) may be renewed under Section 411.185.

8 SECTION 3. Section 411.174(a), Government Code, is amended
9 to read as follows:

10 (a) An applicant for a license to carry a handgun must
11 submit to the director's designee described by Section 411.176:

12 (1) a completed application on a form provided by the
13 department that requires only the information listed in Subsection
14 (b);

15 (2) one or more photographs of the applicant that meet
16 the requirements of the department;

17 (3) a certified copy of the applicant's birth
18 certificate or certified proof of age;

19 (4) proof of residency in this state;

20 (5) two complete sets of legible and classifiable
21 fingerprints of the applicant taken by a person appropriately
22 trained in recording fingerprints who is employed by a law
23 enforcement agency or by a private entity designated by a law
24 enforcement agency as an entity qualified to take fingerprints of
25 an applicant for a license under this subchapter;

26 (6) ~~[a nonrefundable application and license fee of~~
27 ~~\$140 paid to the department,~~

28 ~~[(7)]~~ evidence of handgun proficiency, in the form and
29 manner required by the department;

30 (7) ~~[(8)]~~ an affidavit signed by the applicant stating
31 that the applicant:

1 (A) has read and understands each provision of
2 this subchapter that creates an offense under the laws of this state
3 and each provision of the laws of this state related to use of
4 deadly force; and

5 (B) fulfills all the eligibility requirements
6 listed under Section 411.172; and

7 (8) ~~[(9)]~~ a form executed by the applicant that
8 authorizes the director to make an inquiry into any noncriminal
9 history records that are necessary to determine the applicant's
10 eligibility for a license under Section 411.172(a).

11 ~~SECTION 4. Section 411.179, Government Code, is amended by~~
12 ~~amending Subsection (e) and adding Subsection (f) to read as~~
13 ~~follows:~~

14 ~~(e) [In this subsection, "veteran" has the meaning assigned~~
15 ~~by Section 411.1951.] The department shall include the designation~~
16 ~~"VETERAN" on the face of any original, duplicate, modified, or~~
17 ~~renewed license under this subchapter or on the reverse side of the~~
18 ~~license, as determined by the department, if the license is issued~~
19 ~~to a veteran who:~~

20 ~~(1) requests the designation; and~~
21 ~~(2) provides proof sufficient to the department of the~~
22 ~~veteran's military service and honorable discharge.~~

23 ~~(f) For purposes of Subsection (e), "veteran" means a person~~
24 ~~who:~~

25 ~~(1) has served in:~~

26 ~~(A) the army, navy, air force, coast guard, or~~
27 ~~marine corps of the United States;~~

28 ~~(B) the Texas military forces as defined by~~
29 ~~Section 437.001; or~~

30 ~~(C) an auxiliary service of one of those branches~~
31 ~~of the armed forces; and~~

1 3 ~~(2) has been honorably discharged from the branch of~~
2 ~~the service in which the person served.~~

3 SECTION 5. Section 411.181(h), Government Code, is amended
4 to read as follows:

5 (h) If a license holder is required under this section to
6 apply for a duplicate license and the license expires not later than
7 the 60th day after the date of the loss, theft, or destruction of
8 the license, the applicant may renew the license with the modified
9 information included on the new license. ~~[The applicant must pay~~
10 ~~only the nonrefundable renewal fee.]~~

11 SECTION 6. Sections 411.185(a) and (b), Government Code,
12 are amended to read as follows:

13 (a) To renew a license, a license holder must, on or before
14 the date the license expires, submit to the department by mail or,
15 in accordance with the procedure adopted under Subsection (f), on
16 the Internet:

17 (1) a renewal application on a form provided by the
18 department;

19 ~~[(2) payment of a nonrefundable renewal fee as set by~~
20 ~~the department,]~~ and

21 (2) ~~[(3)]~~ the informational form described by
22 Subsection (c) signed or electronically acknowledged by the
23 applicant.

24 (b) The director by rule shall adopt a renewal application
25 form requiring an update of the information on the original
26 completed application. ~~[The director by rule shall set the renewal~~
27 ~~fee in an amount that is sufficient to cover the actual cost to the~~
28 ~~department to.]~~

29 ~~[(1) verify the information contained in the renewal~~
30 ~~application form,]~~

31 ~~[(2) conduct any necessary investigation concerning]~~

1 ~~the license holder's continued eligibility to hold a license, and~~
2 ~~[(3) issue the renewed license.]~~

3 SECTION 7. Sections 411.186(a) and (c), Government Code,
4 are amended to read as follows:

5 (a) The department shall revoke a license under this section
6 if the license holder:

7 (1) was not entitled to the license at the time it was
8 issued;

9 (2) made a material misrepresentation or failed to
10 disclose a material fact in an application submitted under this
11 subchapter;

12 (3) subsequently becomes ineligible for a license
13 under Section 411.172, unless the sole basis for the ineligibility
14 is that the license holder is charged with the commission of a Class
15 A or Class B misdemeanor or equivalent offense, or of an offense
16 under Section 42.01, Penal Code, or equivalent offense, or of a
17 felony under an information or indictment;

18 (4) is convicted of an offense under Section 46.035,
19 Penal Code; or

20 (5) is determined by the department to have engaged in
21 conduct constituting a reason to suspend a license listed in
22 Section 411.187(a) after the person's license has been previously
23 suspended twice for the same reason~~[, or~~

24 ~~[(6) submits an application fee that is dishonored or~~
25 ~~reversed if the applicant fails to submit a cashier's check or money~~
26 ~~order made payable to the "Department of Public Safety of the State~~
27 ~~of Texas" in the amount of the dishonored or reversed fee, plus \$25,~~
28 ~~within 30 days of being notified by the department that the fee was~~
29 ~~dishonored or reversed].~~

30 (c) A license holder whose license is revoked for a reason
31 listed in Subsection (a) ~~[Subsections (a)(1)-(5)]~~ may reapply as a

1 new applicant for the issuance of a license under this subchapter
2 after the second anniversary of the date of the revocation if the
3 cause for revocation does not exist on the date of the second
4 anniversary. If the cause for revocation exists on the date of the
5 second anniversary after the date of revocation, the license holder
6 may not apply for a new license until the cause for revocation no
7 longer exists and has not existed for a period of two years.

8 SECTION 8. Section 411.190(c), Government Code, is amended
9 to read as follows:

10 (c) In the manner applicable to a person who applies for a
11 license to carry a handgun, the department shall conduct a
12 background check of a person who applies for certification as a
13 qualified handgun instructor. If the background check indicates
14 that the applicant for certification would not qualify to receive a
15 handgun license, the department may not certify the applicant as a
16 qualified handgun instructor. If the background check indicates
17 that the applicant for certification would qualify to receive a
18 handgun license, the department shall provide handgun instructor
19 training to the applicant. The applicant shall pay a fee of \$100 to
20 the department for the training. The applicant must take and
21 successfully complete the training offered by the department and
22 pay the training fee before the department may certify the
23 applicant as a qualified handgun instructor. The department shall
24 issue a license to carry a handgun under the authority of this
25 subchapter to any person who is certified as a qualified handgun
26 instructor ~~[and who pays to the department a fee of \$100 in addition~~
27 ~~to the training fee]~~. The department by rule may prorate or waive
28 the training fee for an employee of another governmental entity.

29 SECTION 9. Sections 411.201(d) and (h), Government Code,
30 are amended to read as follows:

31 (d) An applicant for a license who is an active or retired

1 judicial officer must submit to the department:

2 (1) a completed application, including all required
3 affidavits, on a form prescribed by the department;

4 (2) one or more photographs of the applicant that meet
5 the requirements of the department;

6 (3) two complete sets of legible and classifiable
7 fingerprints of the applicant, including one set taken by a person
8 employed by a law enforcement agency who is appropriately trained
9 in recording fingerprints;

10 (4) evidence of handgun proficiency, in the form and
11 manner required by the department for an applicant under this
12 section;

13 ~~[(5) a nonrefundable application and license fee set~~
14 ~~by the department in an amount reasonably designed to cover the~~
15 ~~administrative costs associated with issuance of a license to carry~~
16 ~~a handgun under this subchapter,] and~~

17 (5) ~~[(6)]~~ if the applicant is a retired judicial
18 officer, a form executed by the applicant that authorizes the
19 department to make an inquiry into any noncriminal history records
20 that are necessary to determine the applicant's eligibility for a
21 license under this subchapter.

22 (h) The department shall issue a license to carry a handgun
23 under the authority of this subchapter to an elected attorney
24 representing the state in the prosecution of felony cases who meets
25 the requirements of this section for an active judicial officer.

26 ~~[The department shall waive any fee required for the issuance of an~~
27 ~~original, duplicate, or renewed license under this subchapter for~~
28 ~~an applicant who is an attorney elected or employed to represent the~~
29 ~~state in the prosecution of felony cases.]~~

30 SECTION 10. Section 118.011(b), Local Government Code, as
31 effective until September 1, 2019, is amended to read as follows:

1 (b) The county clerk may set and collect the following fee
2 from any person:

3 (1) Returned Check (Sec. 118.0215) . . . not less than
4 \$15 or more than \$30

5 (2) Records Management and Preservation Fee (Sec.
6 118.0216) not more than \$10

7 ~~[(3) Mental Health Background Check for License to~~
8 ~~Carry a Handgun (Sec. 118.0217) not more than \$2]~~

9 SECTION 11. (a) Section 118.011(b), Local Government Code,
10 as effective September 1, 2019, is amended to read as follows:

11 (b) The county clerk may set and collect the following fee
12 from any person:

13 (1) Returned Check (Sec. 118.0215) . . . not less than
14 \$15 or more than \$30

15 (2) Records Management and Preservation Fee (Sec.
16 118.0216) not more than \$5

17 ~~[(3) Mental Health Background Check for License to~~
18 ~~Carry a Handgun (Sec. 118.0217) not more than \$2]~~

19 (b) This section takes effect September 1, 2019.

20 SECTION 12. The following provisions are repealed:

21 (1) Sections 411.181(d) and (i), 411.186(d), 411.194,
22 411.195, 411.1951, 411.1952, 411.1953, 411.199(d), 411.1991(c),
23 and 411.1992(d), Government Code; and

24 (2) Section 118.0217, Local Government Code.

25 SECTION 13. The change in law made by this Act applies only
26 to an applicant for an original, duplicate, modified, or renewed
27 license to carry a handgun under Subchapter H, Chapter 411,
28 Government Code, as amended by this Act, who submits the
29 application on or after the effective date of this Act.

30 SECTION 14. Except as otherwise provided by this Act, this
31 Act takes effect September 1, 2017.